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First Named Inventor Edgar E. BLANCO

Art Unit 3623

Examiner Name Johnna Ronee Loftis

Attorney Docket Number 0220-074

ENCLOSURES (Check all that apply)

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Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name Potomac Patent Group, PLLC

Signature

Printed name Steven M. duBois

Date July 25, 2006

Reg. No. 35,023

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Patent
Attorney's Docket No. 0220-074

UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
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Edgar E. BLANCO) Group Art Unit: 3623
)
Application No.: 09/733,299) Examiner: Johnna R. Loftis
)
Filed: December 8, 2000)
)
For: FORECASTING TOOL FOR)
 PREDICTING FUTURE)
 DEMAND FOR PARTS/)
 MATERIALS/EQUIPMENT)

REQUEST FOR RECONSIDERATION

Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

In complete response to the Official Action dated April 25, 2006, reconsideration and allowance of the above-identified application are respectfully requested for at least the following reasons.

Procedural Issues

Initially, the undersigned respectfully requests clarification of the status of the current rejection. On page 2, paragraph number 2 of the Official Action, it is stated that "it has been determined that Gleditsch et al. alone teaches all of the limitations of the instant invention". However, on page 3, paragraph number 4 of the Official Action, the rejection is specified as (a) a rejection under 35 U.S.C. Section 103 and (b) over Gleditsch in view of "Microsoft Excel spreadsheets".

As best understood by the undersigned, the "new ground of rejection" is intended to be a rejection under 35 U.S.C. Section 103 rejection under Gleditsch (U.S. Patent No. 6,415,195) by itself (albeit in conjunction with modifications based on some sort of

"general knowledge") and does not rely on "Microsoft Excel spreadsheets". The substantive response below is predicated on this understanding, however, should this ground of rejection be maintained in a subsequent communication, confirmation/clarification of this issue is respectfully requested.

Substantive Issues

Claims 1-20 now stand rejected under 35 U.S.C. Section 103 as allegedly being unpatentable over Gleditsch. This is characterized as a "new" rejection, in response to the previous filing of a Notice of Appeal and Request for Pre-Appeal Review, however the arguments which were sufficiently persuasive to cause the Office to re-open prosecution seem to have resulted in very little change in the substantive rejection.

According to exemplary embodiments of the present invention, a forecasting tool is provided that enables a user to predict future demand for quantifiable items in connection with a plurality of projects. The exemplary forecasting tool has multiple tables, each of which contains information that is used in the forecasting process. For example, a project table has project information for each project, including references to items (materials) to be employed in connection with the project. An item table has item information for each item referenced by the project table, e.g., an algorithm to be employed to determine a quantity of the item for a particular project. An algorithm table includes algorithm information for each algorithm referenced by the item table. Thus, the quantity of a needed item for a particular project may be determined by determining the specifics of the relevant algorithm(s), obtaining inputs used by the relevant algorithm(s) from the tables and applying the inputs to the algorithms.

The rejection is now (as best understood) styled as a rejection under 35 U.S.C. Section 103 over Gleditsch which allegedly "teaches all of the limitations of the instant invention". However this statement, quoted from the Official Action, is not true. For example, as argued repeatedly during this prosecution and not specifically rebutted by the Office, Gleditsch at least fails to teach the claimed: (1) project table, (2) item table, (3) algorithm table and (4) requirements table of Applicant's claim 1 combination. As

best understood, the Official Action is now taking the position that “the databases recited in Gleditsch are functionally equivalent to the tables recited in the claims” and that, therefore, “it would have been obvious to one of ordinary skill in the art at the time of the invention to organize and display the collected data into tables”. Effectively, the Official takes the position that **any and all** types of specific data architectures would have been obvious in view of Gleditsch because “Gleditsch et al. is concerned with achieving the same result as the instant application”. The undersigned respectfully submits that neither 35 U.S.C. Section 103 nor *Graham v. John Deere* authorize such sweeping rejections of Applicant’s claims. This argument is specifically detailed below.

1. **Even Assuming (Strictly Arguendo), That It Would Have Been Obvious to Add (Some) Tables To The System Of Gleditsch, Applicant's Claim 1, 16 And 20 Combinations Would Not Have Resulted**

Applicant respectfully submits that even if one were to somehow add tables to the system of Gleditsch, Applicant's independent claim combinations would not have resulted from such a combination. More specifically, and as an example, Applicant's claim 1 combination recites four different tables. Specifically, a project table having certain information, an item table having different information, an algorithm table having algorithm information which is referenced in the item table, and a requirements table populated by querying demand for items and traversing tables of the database. Even if one were to somehow modify Gleditsch based upon the *per se* notion that spreadsheets and tables exist, there is no motivation absent hindsight reference to Applicant's own specification which would have resulted in the **specific** four tables recited in Applicant's claim 1 combination. The mere fact that Gleditsch operates on data similar to that which is recited in Applicant's claim 1 combination is not sufficient to establish a *prima facie* case of obviousness that the four tables listed in claim 1 would necessarily result upon some hypothetical modification of Gleditsch.

Additionally, the tables interact with one another in a manner which is not taught or suggested by the cited documents. For example, the algorithm table has algorithm information for each algorithm referenced in an item table. Thus, even if one were to create some number of tables in Gleditsch based upon the general, unspecific notion that tables are an easy way to organize data, there simply is no suggestion in Gleditsch that would have induced one of ordinary skill in the art to create an item table and an algorithm table which interact with one another in the manner specified in Applicant's claim 1 combination. Only Applicant's specification describes this combination of elements. The statement in the Official Action that "Gleditsch et al. is concerned with achieving the same result as the instant application" is not a white-out device that enables automatic rejection of any and all claimed combinations which address similar "concerns". Similar comments apply to Applicant's claim 16 and 20 combinations.

2. **There Was No Motivation For One of Ordinary Skill in the Art to Have Modified Gleditsch in a Manner Which Would Have Resulted in Applicant's Claimed Combinations**

As discussed above, it is respectfully submitted that no combination of Gleditsch and some *per se* knowledge of tables which would have enabled one of ordinary skill in the art to have arrived at Applicant's claimed combinations. Moreover, there was no motivation at the time the invention was made to have modified Gleditsch in the first place in manner which would have arrived at Applicant's claimed table structures. As is clear from reading the Gleditsch patent, this document is unconcerned with the manner in which data will be stored, organized and integrated in order to achieve the described processing steps. At most, Gleditsch makes a general reference to a database for storing predefined parameters, information about customer orders and historical data. See, e.g., column 4, lines 20-23 of Gleditsch.

Despite this silence, all of Applicant's claimed tables are deemed by the Official Action to have been obvious based on the general notion that tables were known at the

time of the present invention. However, it is respectfully submitted that mere knowledge that tables existed is insufficient to have motivated one of ordinary skill in the art to have provided spreadsheets to the system of Gleditsch **in a way that would have resulted in Applicant's claimed data structures.** In particular, it appears that Gleditsch's database was sufficient to enable the processing methods described therein to be implemented and that there would have been no reason for one of ordinary skill in the art, based merely upon general knowledge of tables, to have somehow determined that morphing the generally described database of Gleditsch into the four specific tables set forth in claim 1 would have been desirable. Only Applicant's specification motivates the claimed combination and, therefore, the stated rejection can only be considered the product of impermissible hindsight reconstruction which is insufficient to establish a prima facie case of obviousness.

For at least the foregoing reasons, it is respectfully requested that the rejection of claims 1-20 under 35 U.S.C. § 103 over Gleditsch in view of Microsoft Excel spreadsheets be reconsidered and withdrawn. All of the objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that this application is in condition for Allowance and a Notice to the effect is earnestly solicited. Should the Examiner have any questions regarding the foregoing, she is encouraged to contact the undersigned at 540-361-1863.

Respectfully submitted,

POTOMAC PATENT GROUP PLLC

By: _____



Steven M. duBois

Registration No. 35,023

Date: July 25, 2006
Potomac Patent Group, PLLC
P.O. Box 270
Fredericksburg, VA 22404
(540) 361-1863